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Oceans and the law of the sea

Letter dated 3 July 2014 from the Permanent Representative of Viet Nam to the United Nations addressed to the Secretary-General

Upon instructions from my Government, I have the honour to transmit herewith the position paper of the Socialist Republic of Viet Nam concerning China's illegal placement of the Haiyang Shiyou 981 oil rig in the exclusive economic zone and the continental shelf of Viet Nam (see annex).

I would be grateful if you would circulate the present letter and the annex thereto as an official document of the sixty-eighth session of the General Assembly, under agenda item 76 (a).

(*Signed*) **Le** Hoai Trung
Ambassador Extraordinary and Plenipotentiary
Permanent Representative of Viet Nam to the United Nations

14-57180 (E) 170714

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Annex to the letter dated 3 July 2014 from the Permanent Representative of Viet Nam to the United Nations addressed to the Secretary-General

China's illegal placement of the Haiyang Shiyou 981 oil rig in the exclusive economic zone and continental shelf of Viet Nam

The Socialist Republic of Viet Nam rejects as completely unfounded, in fact and in law, China's assertions in the annexes to the letters dated 22 May 2014 (A/68/887) and 9 June 2014 (A/68/907), from the Chargé d'affaires a.i. of the Permanent Mission of China to the United Nations addressed to the Secretary-General. Viet Nam reiterates the following:

I. Tensions escalate in East Sea (South China Sea) as result of China's activities in violation of international law

It is first of all necessary to state that the sovereignty dispute over the Hoang Sa Archipelago has long existed. This dispute, however, is not the cause of the ongoing escalating tension in the East Sea, which is to be addressed by applying the rules and procedures provided for in the 1982 United Nations Convention on the Law of the Sea. The current tension is caused by China's illegal placement of the Haiyang Shiyou 981 oil rig within the exclusive economic zone and continental shelf of Viet Nam, over which Viet Nam is entitled to the rights of a coastal State in accordance with the Convention.

On 2 May 2014, China moved the Haiyang Shiyou 981 oil rig into the East Sea to conduct exploratory drilling, placing it at 15-29.58N/111-12.06E. On 27 May 2014, the rig was moved to 15-33.38N/111-34.62E. Both of these locations lie deep inside the exclusive economic zone and continental shelf of Viet Nam, approximately 130-150 nautical miles off the Vietnamese coast. China's activities infringe upon Viet Nam's sovereign rights and jurisdiction under the Convention and violate the high-level agreements between the two countries on non-aggravation and non-complication of the situation in the East Sea.

Viet Nam has consistently and resolutely protested China's activities that violate Viet Nam's sovereign rights and jurisdiction over its exclusive economic zone and continental shelf. Since 2005, Chinese ships, on a number of occasions, have intruded into the exclusive economic zone and continental shelf of Viet Nam and have conducted 2-D and 3-D seismic surveys in areas near the current locations of the Haiyang Shiyou 981 oil rig. In response to such intrusions, Viet Nam has sent civilian law enforcement vessels to the area in order to give warning and to demand that those Chinese ships stop their illegal activities. At the same time, through diplomatic channels, Viet Nam has engaged in repeated communications with and sent notes verbales to China, resolutely protesting China's wrongful acts, including a series of communications between Viet Nam's deputy foreign ministers and China's ambassadors in Hanoi. On 5 August 2010 and 8 August 2011, the spokesperson of Viet Nam's Ministry of Foreign Affairs publicly protested and requested that China immediately cease and desist from repeating the violations of Viet Nam's sovereign rights and jurisdiction in the East Sea. Since 2 May 2014, Viet Nam has sent notes verbales and communicated with the Chinese authorities at various levels more than 30 times to protest China's deployment of the oil rig and

dispatching of escort vessels inside Viet Nam's maritime zones, acts which infringe upon Viet Nam's sovereign rights and jurisdiction. In these communications, Viet Nam has time and again demanded that China withdraw its oil rig and vessels from Vietnamese waters.

To abet the illegal operation of the Haiyang Shiyou 981 oil rig, China has deployed over 100 escort vessels, including military ships, in Viet Nam's maritime zones. China's coast guard ships have intentionally rammed Viet Nam's civilian law enforcement vessels. Numerous videos and photographs taken by international reporters on the scene at the invitation of Viet Nam vividly demonstrate China's violent and aggressive conduct, such as ramming into and firing water cannons at Vietnamese vessels, causing injuries to dozens of officers and damage to vessels of Viet Nam's civilian law enforcement agencies; and ramming and sinking one Vietnamese fishing boat on 26 May 2014 in total disregard for the safety and life of the Vietnamese fishermen on board. These activities by China have not only violated the prohibition against the threat or use of force under international law but have also constituted inhumane conduct against fellow seafarers.

2. Viet Nam's efforts and goodwill to settle current tension through dialogue and other peaceful means repeatedly rejected by China

Since the very beginning of the current tensions in early May 2014, Viet Nam has made every effort to communicate and conduct dialogue with China, under various forms and at various levels, to demand that China immediately stop all infringements upon Viet Nam's sovereign rights and jurisdiction, and withdraw its oil rig and vessels from Viet Nam's maritime zones, with a view to creating favourable conditions for a prompt opening of discussions between the two countries, on measures to stabilize the situation and to manage maritime issues between the two countries, pursuant to the Charter of the United Nations, the relevant provisions of the Convention, the Declaration on the Conduct of Parties in the South China Sea and other agreements between the two countries. Viet Nam has made more than 30 diplomatic communications with relevant Chinese authorities, the latest being the meeting between the Deputy Prime Minister and Minister for Foreign Affairs of Viet Nam, Pham Binh Minh, and the State Councillor of China, Yang Jiechi, in Hanoi on 18 June 2014. But China, to date, has consistently refused to withdraw the Haiyang Shiyou 981 oil rig; and it has not entered into substantive negotiations on the legality of its actions.

China must respect Viet Nam's rights as enshrined under the Convention. Once again, Viet Nam demands that China comply with international law and, to this end, immediately stop all infringements upon Viet Nam's sovereign rights and jurisdiction. In particular, Viet Nam demands that China withdraw the Haiyang Shiyou 981 oil rig, all ships and other related vehicles and equipment from Viet Nam's waters, and desist from intruding into Viet Nam's waters in the future. Viet Nam solemnly requests that China resolve all disputes through peaceful means in conformity with international law, including the Convention, to avoid the prolongation of tension and to refrain from actions that may trigger conflicts between the two countries.